

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

GABRIEL AKOL KUOL,
Plaintiff,

v.

NADER MONEEF HASA,
Defendant.

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Civil Action No. 7:15cv00167

ORDER

By: Norman K. Moon
United States District Judge

This matter is before me on Kuol's motion to reconsider my memorandum opinion and order dismissing his civil rights complaint filed pursuant to 42 U.S.C. § 1983 without prejudice because he failed to comply with the court's conditional filing order. After the complaint was dismissed, Kuol submitted the documents required by the conditional filing order. In his current motion, Kuol asks me to reopen his case because he has now complied with the conditional filing order. However, Kuol did not comply with the court's order within the time allotted and I dismissed his complaint without prejudice to his opportunity to refile his claims in a separate action. Accordingly, it is hereby **ORDERED** that Kuol's motion for reconsideration (Docket No. 11) is **DENIED**. Kuol may refile his claims in a separate action.¹

The Clerk is directed to send a copy of this order to the plaintiff.

ENTER: This 19th day of October, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ Kuol's § 1983 complaint alleges that his criminal trial attorney provided him ineffective assistance on various grounds. Kuol asks the court to order him a new criminal trial. The court notes that Kuol's claims may be more properly addressed in a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, filed in the federal district court that is nearest to the court where the underlying state conviction arose. *See Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 484, 497-99 (1973).